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Public (Separation) (1948) Department.

Ms. SERIES.

G.O. No. 335x

Dated 29th December 1948

[Despatch Abstract.]

Separation of the Judiciary from the Executive - Constitution and Establishment of Courts under the scheme of Separation - Menial and inferior staff to the Magistrates under the scheme of Separation Standard scale of Employment - Papers Recorded.

PUBLIC (SEPARATION) DEPARTMENT.

Separation of the Judiciary from the Executive - Constitution and establishment of courts under the scheme - Menial staff - Standard, scale of employment.

In G.O.No.326 Finance, dated 5th April 1948, the recommendation of the Retrenchment and Reorganisation Committee prescribing the following standard scale of peons for different officers and offices, has been approved by Government.

Particulars of officers	No. of peons that may be employed.
1. Heads of Departments - Secretaries to Government, including Chief Secretary, Regional officers, Collectors, District Judges, District Superintendents of police and Executive Engineers	1 peon for office and 2 peons for residence.
2. Other touring gazetted officers and officers in the Secretariat viz., Deputy Secretaries, Under Secretaries and Assistant Secretaries	1 peon for office and 1 peon for residence.
3. All other gazetted officers (non-touring) and all touring non-gazetted officers now having peons	1 peon each.

Office

2 peons for offices employing less than 10 clerks and an additional peon for 8 additional clerks ~~every~~

2. Applying the scale prescribed by the G.O. to the officers under the scheme of separation the question whether the number of peons proposed for each magistrates' court under the new set up and accepted by the Cabinet Committee, needs any revision, is examined below.

3. The following is the strength of staff proposed to be employed under each category of Magistrates:

1. District Magistrate	5 clerks	4 peons
2. Sub Divl. Magistrate	4 "	3 "
3. Addl. I Class Magistrate	3 " and 1 Attender	3 "
4. Second Class Magistrate	2 clerks and 1 attender	2 ~~clerk~~ peons

1. DISTRICT MAGISTRATE: The District Magistrate is a district officer having control over the entire subordinate Magistracy in the district. In certain cases 2 districts are placed under 1 District Magistrate; these officers may have to be considered as regional officers. The District Magistrate has certain amount of administrative work besides his judicial duties, and is expected to inspect the offices of the Sub-Divisional Magistrates, Additional First Class Magistrates and Second Class Magistrates under his control. It would therefore appear that District Magistrate will be eligible to the scale prescribed for officers under item (1) in para 1 above. The number of peons (2 for the officer and 2 for the office) proposed for the District Magistrate is however less than this number and hence it may stand.

2. SUB DIVISIONAL MAGISTRATE: He is a gazetted officer and is normally in charge of three taluks. He will have to do a certain amount of administrative work, i.e. inspecting

the courts of First and Second Class Magistrates in his charge. The No. of peons proposed is in accordance with the prescribed scale viz. 1 peon for the officer and 2 for the office.

3. Additional First Class Magistrate: He is a non-gazetted and non-touring officer; he will therefore not be eligible for any peon. In view of the judicial work he has to perform, he must have a peon in the court to attend to court-work such as court, crier etc. It may be that on occasions his aid will be sought for out-of office hours i.e. for remand of accused, hearing urgent applications, etc. and hence a peon at his residence will be necessary. His office is eligible to have 2 peons - one of whom can be utilised for court work. Hence the proposed strength of 3 peons needs no revision.

4. Second Class Magistrate: The officer is not eligible for any peons. But the office can have 2 peons, one of whom can be utilised for court work. This is the minimum strength and no revision is, therefore, necessary.

Finance (R.R.) may see for remarks.

27-4-1948.

Finance (Reorgn-II) Deptt.

Under the scheme of Separation of Judiciary from the Executive there will be the following categories of Magistrates:-

(1) District Magistrates
(2) Sub-Divisional Magistrates
(3) Additional First Class Magistrates
(4) Second Class Magistrates.

The number of peons that has been proposed under officers for their use and for their offices is given at the bottom of page 1 above. Public (Separation) Department have examined the number of Peons so proposed with reference to the standard scale of peons fixed by Government in G.O.No.326 Fin. dated 5-4-48 on the recommendation of the Retrenchment and Re-organisation Committee. It will be seen that the number of Peons proposed for all categories of Magistrates is within the scale of prescribed in the above G.O. except in the case of peon proposed for the Additional First Class Magistrates. In this case, the Officer is a non-gazetted non-touring officer and is not eligible for any peon. Only two peons can be allowed for his office. A peon is however proposed under the officer for reasons stated in para 3 on p.2 above.

If 3 peons are to be allowed to the First Class Magistrate as proposed by Public (Separation) Department it will mean a departure from the recommendation of the Retrenchment and Reorganization Committee and that Department may be asked to follow the instructions of para 1 of U.O.Note No. 28696/48-Re-1, dated 12-4-48 before passing orders.

A above will become an inconvenient precedent and this Department may strongly advise against the First Class Magistrates being allowed an extra peon as proposed.

The office is a very small one consisting of 3 clerks and the attender can well attend to the office work. The two peons admissible for the office may be utilised for all other purposes. No additional peon separately for the First class Magistrate seems necessary.

If II class Magte. can manage with 2 peons, it would seem that Addl. I Class Magte. also can manage.

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This need not go to the full Cabinet. H.M. Fin. & H.Pr. should, I think, see.
** **

Orders of the full Cabinet will be necessary if Public (Sepn.) wish to press for their proposal at A on p.2 above.

** **
30-4-48

Finance Deptt.

I agree with the views of Secretary R. & R. As regards peons, the case of the Addl. I class Magistrates is on the same footing as that of the II class Magistrates, if, as Pub. (Sepn.) state, the Addl. I class Magistrates are to be non-touring officers.

** **
3-5-48.

Public (Separation) Deptt.

Please see the remarks of Finance at pp.3-5 above, with reference to this department note at pp.1-2 above. The remarks of Finance have been separately called for on the cost of the scheme as a whole in a separate file which is now in that Department. This may await its return.

The only objection in regard to the scale of peons for the new magistrates relates to the A.F.C.M. 3 peons have been proposed for him. - 1 for his residence and 2 for the office. Finance object to this on the ground that he is only a non-gazetted non-touring magistrate and as such not entitled to a peon for the residence.

It has to be stated that A.F.C. Magistrate's require special treatment. They are non-gazetted officers only technically. They have almost the same functions and powers as an S.D.M. and it was only to economise expenditure on the new scheme that their category was created. Almost all of them will be in Headquarters of important Districts and the need for a peon for the residence is obvious. Their pay (Rs.300/- p.m.) will be about double the pay of S.C.M's and hence they cannot be equated to S.C.M.'s. Hence there appears to be a good case for making an exception to the rule in the case of these officers.

It may be left for the decision of the Cabinet Committee whether to press for the extra peon or not.

** **
4-5-1948.

The question whether the scale of peons proposed for the hierarchy of magistrates under the scheme of separation should conform to the standardised scale of menial staff for officers and offices prescribed in G.O.No.326 Finance, dated 5-4-48, came up for consideration before the Cabinet Committee at its meeting on 3-8-48 and the decision taken was that the standardised scale be adhered to. In the result the non-gazetted first class magistrate will have only two peons instead of three. It is proposed to have nine non-gazetted first class magistrates for the province and the saving as a result of the reduction by one peon for each of them will be Rs.187/--. Necessary adjustments under the head savings will be made in the cost of the scheme.

This may lie over till final orders are passed on the scheme of separation.

L.O.
** **
4-10-48.

Public (Separation) Department

Since it has been decided not to proceed with the scheme of separation ~~xx~~ at present and in view of the orders of the

orders of the Hon. Ministers of the Cabinet Committee to wind up the Sub Committee of the Cabinet constituted to implement the scheme of Separation, no further action seems necessary in the file and the papers may, therefore, be recorded in G.O. for future reference.

G.O.Ms.No.3352, dated 29th December 1948.

Separation of the Judiciary from the Executive Constitution and establishment of courts under the scheme - Menial and inferior staff to the Magistrates under the scheme of separation - Standard scale of employment - Papers recorded.

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29-12-48.

(True copy)

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29/12/48